

Application No. 10/078,068  
Art Unit 3728  
AMENDMENT  
Page 4

### REMARKS

Claim 22, which is a new claim, is similar to claims presented previously in being drawn to an adjustably sizable, protective boot wearable over a shoe or a boot and made from a foldable material and in calling for the protective boot having an ankle-covering portion and a foot-covering portion, for the foot-covering portion having a toe end, and for the foot-covering portion being foldable onto itself near the toe end and being fastenable releasably to itself when and where folded onto itself, so as to be adjustably sizable.

Claim 22 recites that the protective boot has a hook-and-loop fastener, which has a hook-faced member and a loop-faced member, one said member adhering to the foot-covering portion, between the toe end and the ankle-covering portion, the other member adhering to the toe end and being fastenable releasably to said one member adhering to the foot-covering portion. Claim 22 further recites that the protective boot has a hook-and-loop strap, which is drawn around the protective boot and which is fastened releasably to itself and to said one member adhering to the foot-covering portion. It is emphasized that the hook-and-loop strap is fastened releasably not only to itself but also to said one member adhering to the foot-covering portion.

Claim 23, which is a new claim depending upon claim 22, recites that the hook-and-loop strap is one of two hook-and-loop straps, each of which is drawn around the protective boot and each of which is fastened releasable to itself and to said one member adhering to the foot-covering portion. Claim 24, which is a new claim depending upon claim 23, recites that one said strap is drawn around the ankle-covering portion and wherein the other strap is drawn around the foot-covering portion.

Although both Saraceni *et al.* patents (US 3,268,767 and US 3,337,770) disclose adjustably sizable, protective boots, neither discloses a hook-and-loop fastener, as claimed in claim 22, or a hook-and-loop strap, as claimed in claim 23 or as claimed in claim 24. Although the Cockrell patent (US 2,630,636) discloses an adjustably sizable, infant's shoe, it does not disclose a hook-and-loop fastener,

Application No. 10/078,068

Art Unit 3728

AMENDMENT

Page 5

as claimed in claim 22, or a hook-and-loop strap, as claimed in claim 23 or as claimed in claim 24.

Although the Rousseau patent (US 4,599,811) and the Sinclair patent (US 4,458,431) disclose protective boots employing hook-and-loop fasteners including hook-and-loop straps, those boots are not adjustably sizable, as claimed, and are not foldable, as claimed. Although the Boggs patent discloses a protective boot wearable over a shoe or a boot and employing a hook-and-loop fastener, as well as other fasteners, the protective boot is not adjustably sizable, as claimed, and is not foldable, as claimed.

Even if it were assumed *arguendo* that a person having ordinary skill in the art, at the time when the claimed invention was made, would have been motivated somehow by one or more of the Rousseau, Sinclair, and Boggs patents to substitute hook-and-loop fasteners for other fasteners in an adjustably sizable, protective boot, as disclosed in any of the Saraceni *et al*, and Cockrell patents, nothing would have motivated such a person to have arrived at the protective boot of any of claims 22, 23, and 24.

Specifically, nothing would have motivated such a person to have provided the adjustably sizable, protective boot not only with a hook-and-loop fastener, which has a hook-faced member and a loop-faced member, one said member adhering to the foot-covering portion, between the toe end and the ankle-covering portion, the other member adhering to the toe end and being fastenable releasably to said one member adhering to the foot-covering portion, but also with a hook-and-loop strap, which is drawn around the protective boot and which is fastened releasably to itself and to said one member adhering to the foot-covering portion, as claimed in claim 22. It is emphasized, again, that the hook-and-loop strap is fastened releasably not only to itself but also to said one member adhering to the foot-covering portion. Moreover, nothing would have motivated such a person to have provided the adjustably sizable, protective boot with two hook-and-loop straps, as claimed in claim 23 or as claimed in claim 23.

Application No. 10/078,068

Art Unit 3728

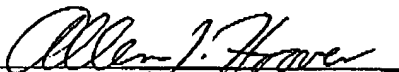
AMENDMENT

Page 6

The applicants submit, therefore, that claims 22, 23, and 24 are patentable over the cited art, and particularly over the Saraceni *et al.*, Cockrell, Rousseau, Sinclair, and Boggs patents, as discussed above.

Respectfully submitted,

By



Allen J. Hoover

Reg. No. 24,103

Wood, Phillips, Katz, Clark & Mortimer  
Citicorp Center, Suite 3800  
500 West Madison Street  
Chicago, Illinois 60661-2511  
Telephone (312) 876-1800  
Facsimile (312) 876-2020  
June 16, 2004